

REMARKS

This is intended as a full and complete response to the Office Action dated January 6, 2005 having a shortened statutory period for response set to expire on April 6, 2005, and extended by a three-month extension to July 6, 2005. Please reconsider the claims pending in the application for reasons discussed below.

In view of the above amendments and the following discussion, Applicants submit that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §102 or rendered obvious under the provisions of 35 U.S.C. §103. Thus, Applicants believe all of these claims are now in allowable form.

Claims 1-71 remain pending in the application and are shown above. Claims 8 and 15 have been amended in accordance with the Examiner's recommendation. Claims 1-71 stand rejected. Reconsideration of the rejected claims is requested for reasons presented below.

I. Rejection of Claims 8 and 15 under 35 U.S.C. §112

On page 2 of the Office Action, the Examiner rejected claims 8 and 15 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter Applicants regard as the invention. Specifically, the Examiner asserts claims 8 and 15 "cannot be clearly understood due to the open-ended nature of the Markush group." Specifically, the Examiner asserts claims 8 and 15 are "indefinite as to scope in the use of the term 'consisting essentially of' in the phrase 'nonprice market terms are selected from the group consisting essentially of.'" Applicants have incorporated the Examiner's suggested amendment to claims 8 and 15. Thus, claims 8 and 15 now include the phrase "consisting of" instead of "consisting essentially of". This amendment to claims 8 and 15, according to the Examiner, overcomes this rejection. Accordingly, withdrawal of this rejection is respectfully requested.

II. Rejection of claims 1-2 under 35 USC §102(e)

On page 2 of the Office Action, the Examiner rejected claims 1 and 2 under 35 USC §102(e) as being anticipated by published patent application of Gillman (U.S. Patent App. Pub. No. 2002/0147674 A1, hereinafter “Gillman”). Applicants respectfully disagree.

Applicants assert Gillman is not prior art under 35 USC §102(e) because Gillman’s filing date is after the filing date of the present application. Specifically, the present application was filed on February 12, 2001 whereas Gillman was later filed on April 4, 2001. Therefore, Gillman does not qualify as an anticipatory prior art reference against any of the claims of the presently claimed invention, including claims 1 and 2. Accordingly, independent claim 1 is in condition for allowance. Furthermore, claim 2 depends from independent claim 1 and recites additional limitations. For the same reasons discussed above, Gillman cannot be used against claim 2. Claim 2 is therefore in condition for allowance.

If the Examiner is relying upon the benefit of the Gillman provisional application filing date to reject claims 1 and 2 of the present application, then the Examiner has not provided a copy of this Gillman provisional application to Applicants for review. See MPEP 707.05(a). Significantly, the Examiner has not demonstrated or made reference to those portions of the Gillman provisional application in support of the Examiner’s burden of proving a *prima facie* case of anticipation. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (*emphasis added*). See MPEP §2131.

The Examiner has not provided or cited to such a reference and therefore has not shown that each and every element as set forth in claim 1 is found in the Gillman provisional application. Applicants respectfully submit it would be improper to assume the Gillman provisional application contains the same disclosure as Gillman. It may very well be the Gillman provisional application is not enabling and/or does not satisfy 35 USC §112 for purposes of providing enabling support to, and an earlier filing date for, Gillman. Therefore, Applicants respectfully request a copy of the Gillman

provisional application with specific reference to those portions where the Examiner alleges the Gillman provisional application anticipates claims 1 and 2.

Even if the disclosure of the Gillman provisional application is similar in scope to Gillman, Applicants submit Gillman fails to teach each and every element as set forth in claim 1. Gillman is directed to an electronic buying system and method for matching customers with suppliers of specialized products such as forged metal. (See Gillman Abstract and Col. 1.)

The Examiner's attention is directed to the fact that Gillman fails to teach or suggest a method of updating a database of commodity information including multiple predefined commodity designations representing multiple predefined commodities and an estimated market price stored in association with one or more of the commodity designations, the method steps comprising, in pertinent part, 1) comparing the proposed price to the estimated market price of the specified commodity; and 2) updating the database with the proposed price so the estimated market price more accurately approximates an actual market price, as positively claimed in Applicants' independent claim 1. Specifically, Applicants' independent claim 1 reads as follows (*emphasis added*):

1. A method of updating a database of commodity information including multiple predefined commodity designations representing multiple predefined commodities and an estimated market price stored in association with one or more of the commodity designations, comprising:

providing an online reverse auction environment accessible via a computer network;

receiving a request for proposals (RFP) from a customer at the online reverse auction environment, the RFP including a request for bids on at least a specified one of the commodities;

soliciting multiple potential vendors to submit proposals responsive to the RFP in the online reverse auction environment;

receiving one or more vendor proposals in the online reverse auction environment, at least one of the vendor proposals being responsive to the RFP and including a proposed price for the specified commodity;

extracting the proposed price from each of the responsive vendor proposals;

comparing the proposed price to the estimated market price of the specified commodity; and
updating the database with the proposed price so that the estimated market price more accurately approximates an actual market price.

Regarding the “comparing” step, the Examiner erroneously equates the novel step of comparing [by a customer] the proposed price offered by vendors bidding on a predefined commodity designation, stored in a database, to the estimated market price of the specified commodity,” with, as disclosed by Gillman, a suppliers/vendor reviewing proposed bid prices submitted by competing suppliers/vendors during an electronic auction and then having the supplier/vendor’s bid price automatically reduced to an preset amount that is lower than the lowest price entered by the competing suppliers/vendors during the electronic auction period. In contrast to Gillman, the “estimated market price,” as recited in the preamble and throughout claim 1, is a pre-determined price “stored in association with one or more commodity designations.” Gillman does not disclose storing bids as a function of or in association with commodity designations. As stated in the present application on p. 5, Ins. 15-30 (emphasis added):

The spending analysis system allows the user to summarize rates for each carrier based on the class of service provided. To help the user determine when to put its telecommunications traffic up for bid, the system preferably includes an RFP timing module that compares the user’s actual rates to estimated market rates listed in a Best of Class (BOC) database. The BOC database includes commodity designations representing various classes of service and estimated market rate stored in association with the commodity designations. The estimated market rates can be kept current by manual updates or by the RFP and market database updating method described below. The BOC database is made available to users of the spending analysis system, preferably over the Internet via a subscription-based web site and only to the extent necessary to allow the user to compare rates for specific service classes included on the user’s bills. By comparing the customer’s actual telecommunications rates to the estimated market rates of the BOC database, the system facilitates efficient timing of the RFP process.

Furthermore, Gillman fails to teach or suggest updating the database with the proposed price so the estimated market price more accurately approximates an actual market price. Instead, Gillman discloses programming a “self-adjusting bid feature” which, if during an electronic auction a supplier/vendor’s bid is higher than a competitor’s bid, the supplier/vendor’s bid will automatically be reduced below the competing bid(s). This is not the same as updating a best of class (BOC) database so the customer can compare rates for specific commodity designations (e.g., service classes) to refine its market price for a predefined commodity designation and thus determine if an RFP is warranted at that time. Hence, Gillman also fails to teach or suggest updating the database with the proposed price so that the estimated market price more accurately approximates an actual market price.

Thus, for at least those reasons discussed above, Gillman fails to anticipate independent claim 1 of the present application. Furthermore, claim 2 depends from independent claim 1 and recites additional limitations. For this and the same reasons discussed above, claim 2 is also not anticipated by Gillman and is allowable. Accordingly, withdrawal of this rejection of claims 1 and 2 is respectfully requested.

III. Rejection of claims 49-54, 60-64 and 66-67 under 35 USC §102(e)

On page 5 of the Office Action, the Examiner rejected claims 49-54, 60-64 and 66-67 under 35 USC §102(e) as being anticipated by Marsh et al. (U.S. Patent No. 6,574,465, hereinafter “Marsh”). Applicants respectfully disagree.

Marsh is directed to a system and method for analyzing wireless communication data to determine optimal wireless communications services plans.

The Examiner’s attention is directed to the fact that Marsh fails to teach or suggest extracting traffic detail data from multiple billing statements, converting the traffic detail data to a generic traffic format, storing the generic traffic detail data, and summarizing the converted traffic detail data, as positively claimed in Applicants’ independent claims 49 and 60. Specifically, Applicants’ independent claims 49 and 60 read as follows (*emphasis added*):

49. A computer-implemented method of analyzing telecommunications traffic, comprising:

extracting traffic detail data from multiple billing statements, the billing statements being received from various telecommunications carriers, the traffic detail data of each billing statement describing at least one telecommunications traffic event;

converting the traffic detail data to a generic traffic format, the generic traffic format defining multiple generic classes of service;

storing the converted traffic detail data in a customer traffic history database; and

summarizing the converted traffic detail data.

60. A computer-implemented telecommunications spending analysis system for analyzing multiple telecommunications billing statements received by a customer from various telecommunications carriers, each telecommunications billing statement including traffic detail data for multiple telecommunications traffic events, comprising:

a set of computer-readable translation rules that relate the traffic detail data to multiple predefined generic classes of service;

a traffic genericizing module for converting the traffic detail data to a generic traffic detail format in accordance with the translation rules;

a customer traffic history database for storing the converted traffic detail data; and

a traffic analysis software module in communication with the customer traffic history database for analyzing the converted traffic detail data to thereby allow convenient summarizing, storage, and reporting of the traffic detail data.

The Examiner erroneously equates Marsh's description of receiving "billing information" and populating an SQL database with such information, while making minor modifications to the data if necessary to fit the format of the fields in the SQL database with the novel features of independent claims 49 and 60. That is, claims 49 and 60 claim extracting, converting, storing and summarizing traffic detail data or information, not billing information. Traffic detail information can be of several types including voice, cellular, paging, and data transmission. As stated in the Background of the Invention section:

Additional telecommunications carriers may be used for certain classes of service, such as calls and other traffic between specific locations or at certain times. Furthermore, multiple telecommunications carriers are commonly used for the exact same class of service, for purposes of introducing redundancy in the customer's telecommunications resources, and for other reasons. As used herein, the term "class of service" means a particular telecommunications service for transmitting voice, data, or other signals between two geographic locations. Each different type of traffic transmitted and each different origination and destination region for the traffic may constitute a unique class of service. Class of service definitions are primarily dependent upon how telecommunications carriers distinguish traffic for the purpose of applying different rates.

As detailed above, traffic detail information is unique from billing information in that there are different categories of traffic and each category includes different classes of service. Heretofore, known methods of tracking telecommunication information were directed to tracking billing information, not traffic detail information because it was too difficult and time consuming to obtain and process traffic detail data.

Thus, for at least those reasons discussed above, Marsh fails to anticipate independent claims 49 and 60 of the present application. Furthermore, claims 50-54, 61-64 and 66-67 depend from independent claims 49 and 60, respectively, and recite additional limitations. For these and the same reasons discussed above, dependent claims 50-54, 61-64 and 66-67 are also not anticipated by Marsh and are in condition for allowance. Accordingly, withdrawal of this rejection is respectfully requested.

IV. Rejection of Claims 3, 6-11 and 13-15 under 35 USC § 103

On page 14 of the Office Action, the Examiner rejected claims 3, 6-11 and 13-15 under 35 USC § 103(a) as being unpatentable over Gillman in view of Fertik (U.S. Patent Pub. No. 2001/0032163 A1, hereinafter "Fertik"). Applicants respectfully disagree.

As discussed above, Gillman does not qualify as a prior art reference because its filing date is later than the filing date of the present application. In addition, assuming, *arguendo*, Gillman qualifies as prior art, although Applicants do not concede to this fact,

Gillman fails as a primary reference for anticipation of independent claim 1 from which claims 3, 6, 7 and 8 depend, either directly or indirectly. Regarding independent claim 9, this claim includes limitations similar to independent claim 1. Specifically, Applicants' independent claim 9 reads as follows (*emphasis added*):

9. A method of updating a database of commodity information including multiple predefined commodity designations representing multiple predefined commodities, an estimated market price stored in association with one or more of the commodity designations, and a nonprice market term stored in association with one or more of the commodity designations, the method comprising:

providing an online reverse auction environment accessible via a computer network;

receiving a request for proposals (RFP) from a customer at the online reverse auction environment, the RFP including a request for bids and a desired nonprice term for at least a specified one of the commodities;

soliciting multiple potential vendors to submit proposals responsive to the RFP in the online reverse auction environment;

receiving one or more vendor proposals in the online reverse auction environment, at least one of the vendor proposals being responsive to the RFP and including a proposed price for the specified commodity and a proposed nonprice term;

extracting the proposed price and the proposed nonprice term from each of the responsive vendor proposals;

comparing the proposed price and the proposed nonprice term with the respective estimated market price and nonprice market term of the database corresponding to the specified commodity; and

updating the database with the proposed price so that the estimated market price more accurately approximates an actual market price.

As mentioned in more detail above, Gillman fails to teach or suggest at least the "comparing" step and "updating" step as claimed in claim 9 and emphasized above.

Therefore, combining Gillman with any secondary reference, including Fertik, would not render these claims obvious. Furthermore, the teachings of Fertik fail to bridge the gap left by Gillman.

Thus, for at least those reasons discussed above, Gillman fails to anticipate independent claim 9 of the present application. Furthermore, claims 3, 6-8, 10-11 and 13-15 depend, either directly or indirectly from independent claims 1 and 9, respectively, and recite additional novel features. For these and the reasons discussed above, claims 3, 6-8, 10-11 and 13-15 are not rendered obvious by Gillman in view of Fertik and are allowable. Accordingly, withdrawal of this rejection is respectfully requested.

V. Rejection of Claim 4 under 35 USC § 103

On page 22 of the Office Action, the Examiner rejected claim 4 under 35 USC § 103(a) as being unpatentable over Gillman in view of Marsh. Applicants respectfully disagree.

As discussed in more detail above, Gillman does not qualify as a prior art reference. Assuming, *arguendo*, it does, to which Applicants have not conceded, Gillman fails as a primary reference. Also, as discussed in detail above, Marsh fails as a primary reference. Therefore, any admissible combination of Gillman with Marsh (to which Applicants do not concede), would not render claim 4 obvious. Furthermore, neither reference bridges the gap left by the other. Finally, claim 4 depends from independent claim 1, which Applicants have asserted above is patentable over the cited references. Accordingly, withdrawal of this rejection is respectfully requested.

VI. Rejection of Claim 5 under 35 USC § 103

On page 25 of the Office Action, the Examiner rejected claim 5 under 35 USC § 103(a) as being unpatentable over Gillman in view of the Examiner's Official Notice. Applicants respectfully disagree.

As discussed in more detail above, Gillman does not qualify as a prior art reference. Assuming, *arguendo*, it does, to which Applicants have not conceded, Gillman fails as a primary reference. Therefore, any admissible combination of Gillman with the Examiner's Official Notice (to which Applicants do not acknowledge), would not render claim 5 obvious. Furthermore, the Examiner's Official Notice does not bridge the gap left by Gillman. Finally, claim 5 depends from independent claim 1, which

Applicants have asserted above is patentable over Gillman. Accordingly, withdrawal of this rejection is respectfully requested.

VII. Rejection of Claim 12 under 35 USC § 103

On page 25 of the Office Action, the Examiner rejected claim 12 under 35 USC § 103(a) as being unpatentable over Gillman in view of Fertik, as applied to claim 9 above, and further in view of Marsh. Applicants respectfully disagree.

As discussed in more detail above, Gillman does not qualify as a prior art reference. Assuming, *arguendo*, it does, to which Applicants have not conceded, Gillman fails as a primary reference. Therefore, any admissible combination of Gillman with either Fertik or Marsh (to which Applicants do not concede), would not render claim 12 obvious. Furthermore, neither Fertik nor Marsh bridges the gap left by Gillman. Finally, claim 12 depends from independent claim 9, which Applicants have asserted above is patentable over the cited references. Accordingly, withdrawal of this rejection is respectfully requested.

VIII. Rejection of Claims 16-23, 25-27, 28-33, 35-43 and 45-48 under 35 USC § 103

On page 28 of the Office Action, the Examiner rejected claims 16-23, 25-27, 28-33, 35-43 and 45-48 under 35 USC § 103(a) as being unpatentable over Ben-Meir (U.S. Pat. Pub. No. 2993/0014326 A1, hereinafter “Ben-Meir”) in view of Marsh. Applicants respectfully disagree.

Applicants submit Ben-Meir fails as a primary reference because it fails to teach each and every element as set forth in independent claims 16, 28 and 39. Ben-Meir is directed to a method for buy-side bid management. (See Ben-Meir Abstract.)

The Examiner’s attention is directed to the fact that Ben-Meir fails to teach or suggest a system including a “best of class [BOC] database including an estimated market price for at least one telecommunications service”, as positively claimed in Applicants’ independent claims 16, 28 and 39. Specifically, Applicants’ independent claims 16, 28 and 39 read as follows (*emphasis added*):

16. A system for facilitating the purchase of telecommunications services, comprising:

a best of class database including an estimated market price for at least one telecommunications service;

a customer traffic history database including traffic information describing a historical quantity of the telecommunications service used by a customer during a previous time period;

an RFP preparation module accessible by the customer via the Internet for preparation of a request for proposals (RFP) describing an anticipated quantity of the telecommunications service, the RFP preparation module being adapted to extract the historical quantity from the customer traffic history database for use in determining the anticipated quantity of the telecommunications service;

an online reverse auction environment, accessible by multiple potential vendors via the Internet, the potential vendors including one or more interested vendors, the online reverse auction environment adapted to display the RFP to the interested vendors and to receive bids on the RFP from the interested vendors; and

a bid analysis module in communication with the online reverse auction environment and the best of class database for analyzing the received bids.

28. A system for facilitating the purchase of telecommunications services, comprising:

a best of class database including an estimated market price for at least one telecommunications service;

a customer traffic history database including traffic information describing a historical quantity of the telecommunications service used by a customer during a previous time period;

an RFP preparation module accessible by the customer via the Internet for preparation of a request for proposals (RFP) describing an anticipated quantity of the telecommunications service, the RFP preparation module being adapted to extract the historical quantity from the customer traffic history database for use in determining the anticipated quantity of the telecommunications service;

an online reverse auction environment accessible by multiple potential vendors via the Internet, the potential vendors including one or more interested vendors, the online reverse auction environment adapted to present the RFP to the interested vendors and to receive bids on the RFP from the interested vendors;

a bid analysis module in communication with the online reverse auction environment and the best of class database for analyzing the received bids and generating a feedback in response to the received bids; and

a database updating module for updating the best of class database in response to the received bids so that the estimated market price more accurately approximates an actual market price.

39. A system for reducing the cost of telecommunications services, comprising:

a best of class database including multiple generic classes of telecommunications service and an estimated market price for one or more of the generic classes of telecommunications service;

a customer traffic history database including traffic information describing a historical quantity of at least some of the generic classes of telecommunications service used by a customer during a previous time period;

a spending analysis software module for reading multiple telecommunications billing statements including traffic detail data, extracting the traffic detail data from the telecommunications billing statements, converting the traffic detail data to the generic classes of telecommunications service, and updating the historical quantity of the customer traffic history database with the converted traffic detail data;

an RFP preparation module accessible by the customer via the Internet for preparation of a request for proposals (RFP) describing an anticipated quantity of a specified one of the generic classes of telecommunications service, the RFP preparation module being adapted to extract the historical quantity from the customer traffic history database for use in determining the anticipated quantity of the specified generic class of telecommunications service;

an online reverse auction environment accessible by multiple potential vendors via the Internet, the potential vendors including one or more interested vendors, the online reverse auction environment adapted to present the RFP to the interested vendors and to receive bids on the RFP from the interested vendors;

a bid analysis module in communication with the online reverse auction environment and the best of class database for analyzing the received bids and generating a feedback in response to the received bids; and

a database updating module for updating the best of class database with at least one of the received bids so that

the estimated market price more accurately approximates an actual market price.

The Examiner erroneously equates a supplier/vendor searching “system repositories” for “bid solicitations” with the novel step of having a searchable Best of Class (BOC) database that includes, among other data, estimated market prices. “Best of Class” and “estimated market price” have specific meanings in the context of these claims, which distinguish claims 16, 28 and 39 from Ben-Meir. Specifically, Best of Class or BOC and estimated market price (or rate) are defined as (See Specification, p. 5, Ins. 19-30 and also Figs. 2 and 4 with associated text):

The BOC database includes commodity designations representing various classes of service and estimated market rate stored in association with the commodity designations. The estimated market rates can be kept current by manual updates or by the RFP and market database updating method described below. The BOC database is made available to users of the spending analysis system, preferably over the Internet via a subscription-based web site and only to the extent necessary to allow the user to compare rates for specific service classes included on the user's bills. By comparing the customer's actual telecommunications rates to the estimated market rates of the BOC database, the system facilitates efficient timing of the RFP process. The RFP timing module can be configured to notify the user when the projected cost savings attributable to current reductions in service rates is likely to outweigh the expense of the RFP and contract negotiation process.

Thus, the BOC and the estimated market price (or rate) are not just arbitrary bid information stored in a system repository as disclosed by Ben-Meir. Rather, the BOC is data stored in a BOC database, which includes previously calculated and analyzed information as to the best or lowest X of each supplier/vendor, where X can be, for example, an estimated market price. The data can include other predetermined and analyzed information as well. This provides an advantage over known systems because the user of telecommunication services now has at their fingertips the most current and most pertinent information available to 1) determine whether a new RFP is

cost effective and 2) if so, what suppliers/vendors have qualified for the BOC in a particular telecommunication commodity parameter.

In sum, Ben-Meir fails to teach or suggest a BOC database as claimed and as defined in the specification of the present application. Instead, Ben-Meir discloses an accessible system repository for potential bidders to review bid solicitations. This is not the same as a Best of Class (BOC) database so the customer can compare rates for specific commodity designations (e.g., service classes) to refine its market price for a predefined commodity designation and thus determine if an RFP is warranted at that time.

In addition to the above, the Examiner admits Ben-Meir fails to teach a system for the purchase of services comprising "a customer traffic history database. . ." but that Marsh includes such disclosure. Applicants disagree. As discussed in more detail above, Marsh may disclose past billing information but billing information is not the same as the novel feature of including a traffic detail information database, in which Applicants have claimed in claims 16, 28 and 39. Therefore, when taken in combination, if such combination is admissible, to which Applicants do not concede, Marsh fails to render claims 16, 28 and 39 obvious. Furthermore, Marsh does not bridge the gap left by Ben-Meir with regard to the BOC database. Therefore, Ben-Meir and Marsh, either alone or in combination do not render claims 16, 28 and 39 obvious. Accordingly, withdrawing of this rejection is respectfully requested.

Furthermore, claims 17-23, 25-27, 29-33, 35-38, 40-43 and 45-48 depend from independent claims 16, 28 and 39 and recite additional limitations. For these and the same reasons discussed above, these dependent claims are also not rendered obvious by Ben-Meir in view of Marsh and are allowable. Accordingly, withdrawal of this rejection is respectfully requested.

IX. Rejection of Claims 24, 34 and 44 under 35 USC § 103

On page 67 of the Office Action, the Examiner rejected claims 24, 34 and 44 under USC § 103(a) as being unpatentable over Ben-Meir in view of Marsh, as applied to claim 16 above, and further in view of Hoffman (U.S. Pat. Pub. No. 2001/0039529 A1, hereinafter "Hoffman"). Applicants respectfully disagree.

As discussed in more detail above, both Ben-Meir and Marsh fail as primary references. Therefore, any admissible combination of Ben-Meir with either Marsh or Hoffman (to which Applicants do not concede), would not render these claims obvious. Furthermore, neither Marsh nor Hoffman bridges the gap left by Ben-Meir. Finally, claims 24, 34 and 44 depend from independent claims 16 and 39, respectively, which Applicants have asserted above are patentable over the cited references. Accordingly, withdrawal of this rejection is respectfully requested.

X. Rejection of Claim 52 under 35 USC § 103

On page 70 of the Office Action, the Examiner rejected claim 52 under USC § 103(a) as being unpatentable over Marsh in view of Ben-Meir. Applicants respectfully disagree.

As discussed in more detail above, both Marsh and Ben-Meir fail as primary references. Therefore, any admissible combination of Marsh with Ben-Meir (to which Applicants do not concede), would not render this claim obvious. Furthermore, Ben-Meir does not bridge the gap left by Marsh. Finally, claim 52 depends indirectly from independent claim 49, which Applicants have asserted above is patentable over the cited references. Accordingly, withdrawal of this rejection is respectfully requested.

XI. Rejection of Claims 55 and 65 under 35 USC § 103

On page 71 of the Office Action, the Examiner rejected claims 55 and 65 under USC § 103(a) as being unpatentable over Marsh, in further view of An (U.S. Pat. No. 4,726,056, hereinafter "An"). Applicants respectfully disagree.

As discussed in more detail above, Marsh fails as primary reference. Therefore, any admissible combination of Marsh with An (to which Applicants do not concede), would not render these claims obvious. Furthermore, An does not bridge the gap left by Marsh. Finally, claim 55 and 65 depend from independent claims 49 and 60, respectively, which Applicants have asserted above are patentable over the cited references. Accordingly, withdrawal of this rejection is respectfully requested.

XII. Rejection of Claims 56-57 and 68-69 under 35 USC § 103

On page 75 of the Office Action, the Examiner rejected claims 56-57 and 68-69 under USC § 103(a) as being unpatentable over Marsh in view of Barak (U.S. Pat. No. 6,078,652, hereinafter "Barak"). Applicants respectfully disagree.

As discussed in more detail above, Marsh fails as primary reference. Therefore, any admissible combination of Marsh with Barak (to which Applicants do not concede), would not render these claims obvious. Furthermore, Barak does not bridge the gap left by Marsh. Finally, claim 56-57 and 68-69 depend from independent claims 49 and 60, respectively, which Applicants have asserted above are patentable over the cited references. Accordingly, withdrawal of this rejection is respectfully requested.

XIII. Rejection of Claims 58-59 under 35 USC § 103

On page 81 of the Office Action, the Examiner rejected claims 58-59 under USC § 103(a) as being unpatentable over Marsh in view of Mason (U.S. Pat. Pub. 2001/0051918 A1, hereinafter "Mason"). Applicants respectfully disagree.

As discussed in more detail above, Marsh fails as primary reference. Therefore, any admissible combination of Marsh with Mason (to which Applicants do not concede), would not render these claims obvious. Furthermore, Mason does not bridge the gap left by Marsh. Finally, claim 58 and 59 depend from independent claim 60, which Applicants have asserted above is patentable over the cited references. Accordingly, withdrawal of this rejection is respectfully requested.

XIV. Rejection of Claims 70-71 under 35 USC § 103

On page 83 of the Office Action, the Examiner rejected claims 70-71 under USC §103(a) as being unpatentable over Marsh in view of Ben-Meir, and further in view of Mason. Applicants respectfully disagree.

As discussed in more detail above, both Marsh and Ben-Meir fail as primary references. Therefore, any admissible combination of Marsh with either Ben-Meir or Mason (to which Applicants do not concede), would not render these claims obvious. Furthermore, neither Ben-Meir nor Mason bridge the gap left by Marsh. Finally, claim 70 and 71 depend from independent claim 60, which Applicants have asserted above is

patentable over the cited references. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Thus, the Applicants submit claims 1-71 fully satisfy the requirements of 35 U.S.C. §§102 and 103. Consequently, the Applicants believe all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. John P. Maldjian, at (732) 935-7100 so appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

7/6/05

Date



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